

SERVICE DATE – AUGUST 26, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 270X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
OSBORNE AND SMITH COUNTIES, KS

Decided: August 25, 2008

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 12.4-mile portion of a line of railroad known as the Lenora Branch Line, extending between milepost 540.3, west of Downs, KS, and milepost 552.7, west of Portis, KS, at the end of the line, in Osborne and Smith Counties (the line). Notice of the exemption was served and published in the Federal Register on July 28, 2008 (73 FR 43822-23).¹ The notice stated that the exemption would become effective on August 27, 2008, unless stayed by the Board or unless a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by August 7, 2008.

On August 8, 2008, V and S Railway, LLC (VSR), a Class III railroad, late filed a formal expression of intent to file an OFA to purchase the line. VSR simultaneously filed a petition for leave to file 1 day late its notice of intent to file an OFA.² In its filing, Counsel for VSR states that he was out of the office on vacation when the Board's notice was issued on July 28, 2008. Because VSR's late-filed notice of intent will not prejudice the Board's administrative handling of this proceeding and UP has not objected, VSR's late-filed notice of intent will be accepted into the record. This filing will automatically stay the effective date of the exemption for 10 days, until September 6, 2008.³ VSR's OFA is due by August 27, 2008.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The notice also embraced STB Docket No. AB-486 (Sub-No. 5X), Kyle Railroad Company—Discontinuance of Service Exemption—in Osborne and Smith Counties, KS, in which Kyle Railroad Company sought an exemption to discontinue service over the line.

² On the same day, VSR also served the notice of intent and its petition to late file the notice of intent on UP.

³ See 49 CFR 1152.27(c)(2)(i).

It is ordered:

1. VSR's late-filed notice of intent to file an OFA is accepted.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary